

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7376

BILL NUMBER: SB 239

NOTE PREPARED: Feb 2, 2009

BILL AMENDED: Jan 29, 2009

SUBJECT: Sex or Violent Offender Registration.

FIRST AUTHOR: Sen. Merritt

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires sex or violent offenders who are required to report, register, and be photographed annually to report, register, and be photographed in the month of the offender's birthday.

Effective Date: July 1, 2009.

Explanation of State Expenditures: (Revised) The legislation narrows and specifies the time frame in which a sexually violent predator is required to register with the Department of Correction (DOC) to within the month of an offender's date of birth. Currently, a sexually violent predator is only required to register once per calendar year. Depending on how information is disseminated by DOC, this bill may increase the number of individuals that fail to register as sexually violent predators within the time allotted to register. Failing to register as a sexually violent predator is considered a Class D felony.

Penalty Provision: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would

likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.